

The Environmental Notice

A Semi-Monthly Bulletin pursuant to Section 343-3, Hawai'i Revised Statutes

2013 Environmental Health Management (EHM) Report

In cooperation with all of the Environmental Health Administration's (EHA's) Divisions, Branches, and Offices, the Environmental Planning Office (EPO) develops and distributes an annual Environmental Health Management (EHM) Report. The Report provides information on EHA's past accomplishments, as well as its goals and objectives for the coming year. This Report covers the 2011- 2013 Fiscal Years (FY) and is based on data that is collected and used to measure environmental quality and/or progress made in the protection of human health and the environment. In previous years this report was known as the "Indicators of Environmental Health."

The Report provides information about a variety of environmental programs including: Clean Water, Safe Drinking Water, Wastewater, Clean Air, and Solid and Hazardous Waste, Food Safety and Vector Control, Indoor and Radiological Health, the State Laboratories Division and a number of other EHA Offices. The [Draft 2011-2013 Environmental Health Management Report](#) is now available online, along with a shortened "[Highlights](#)" version.

2014 Hawaii State Legislative Session

It's that time of the year again when the Legislature is in session and different topics of legislation are introduced. As always, numerous environmental bills and resolutions are introduced, some of which impacts the Office of Environmental Quality Control. There are two proposed measures that directly affect OEQC; the first bill, [HB1941](#), requires the Environmental Council to prescribe procedures to address the impact of sea level rise and climate changes on any publicly-funded development, and the second bill, [HB2160](#), allows OEQC to charge fees when processing environmental assessments and environmental impact statements.



The Office fully supports these bills. Sea level rise and climate change are realities that have to be evaluated for any developments in the coastal area and [HB1941](#) focuses attention to the potential adverse impacts of sea level rise to proposed developments along the coastline. The Office is also in dire need to upgrade its technology capacity and more staff to adequately implement Chapter 343, HRS. The funds generated by allowing OEQC to charge fees for EA/EIS documents it processes, as prescribed in [HB2160](#), will greatly assist the Office.

The Office, therefore, humbly requests support for these legislative measures.

Monsanto Application to Amend Experimental Use Permit

The Environmental Protection Agency received an application from Monsanto Company requesting to amend experimental use permit (EUP) 524-EUP-104 for the plant-incorporated protectants (PIPs) corn event MON 87411 in combination with single and combined traits against lepidoptera and corn rootworm (CRW). The Agency has determined that the amendment request for the permit may be of regional and national significance. Therefore, because of the potential significance, and pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is providing notice of receipt and is seeking comments on this application. Comments must be received on or before **February 12, 2014**. See page 10 for more details.



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MAUI (HRS 343)

1. Kahului Bay Shoreline Protection Project DEA (AFNSI)

Island: Maui
District: Wailuku
TMK: (2)3-07-01: 07, 22 & 23
Permits: CDUP; Section 401 Water Quality Permit; SMA Permit; SSV Permit; CZM Permit; Maui County Grading Permit; USACE Section 10/404 Clean Water Certification Permit; OCCL Permit and NPDES Permit.

Proposing/Determination

Agency: State of Hawaii, Department of Transportation, 869 Punchbowl Street, Honolulu, HI 96813. Contact: Eddie Chiu, 808-692-7547.

Consultant: Oceanit, 828 Fort Street Mall, Suite 600, Honolulu, HI 96813. Contact: Derrick Elfalan, 808-531-3017.

Status: Statutory 30-day public review and comment period starts; comments are due by February 24, 2014. Please send comments to the proposing/determination agency and consultant.

The State of Hawaii Department of Transportation, Highways Division (HDOT) and the Federal Highway Administration (FHWA) propose to stabilize the shoreline along Kahului Beach Road to prevent further erosion from adversely affecting the structural integrity of Kahului Beach Road. The proposed project involves the construction of a shoreline stabilization structure within the project limits. The project area extends from an existing revetment, roughly in line with Kaihe'e Place, approximately 1730 feet along the shoreline parallel to Kahului Beach Road to the large rock revetment supporting the base of the west harbor jetty; between mile marker 0.1 and mile marker 1.0. The proposed project will be constructed with a portion of a State right-of-way and a remnant parcel, to be acquired, between State Highway and State Harbor's jurisdiction.

The proposed project is consistent with *Maui County General Plan 2030*. Although no roadwork would occur on the highway, the shoreline stabilization and erosion control would benefit the functionality and lifespan of the road. Motorists and pedestrians would be safer as storm waves and surges would be abated at the shoreline.



O'AHU (HRS 343)

2. Waimalu Nature Park and Zipline Canopy Tour DEA (AFNSI)

Island: O'ahu
District: 'Ewa
TMK: 1-9-8-073-001
Permits: Conservation District Use Permit (CDUP) (State BLNR); Grading Permit and Building Permit for the driveway, nature center & parking lot (City and County Department of Planning and Permitting); National Pollutant Discharge Elimination System permit (State Department of Health); Water Supply Approval (City and County Board of Water Supply).

Applicant: Waimalu Holding Company LLC, by Towne Development of Hawaii, Inc., 220 South King Street, Suite 960, Honolulu, HI 96813.



Approving

Agency: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, 1151 Punchbowl Street, Room 131, Honolulu HI 96813.
Contact: Sam Lemmo, 808-587-0377.

Consultant: Geometrician Assoc., PO Box 396, Hilo HI 96721. Contact: Ron Terry, 808-969-7090.

Status: Statutory 30-day public review and comment period starts; comments are due by February 24, 2014. Please send comments to the applicant, approving agency, and consultant.

Waimalu Holding Company LLC (WHC) proposes to develop the Waimalu Nature Park and Zipline Canopy Tour as a private nature park on a portion of its 447-acre property in Waimalu. The Property is undeveloped land within the State Land Use Conservation District, bordered on the makai side by residential developments off of Ka’ahale Street in Royal Summit, and elsewhere by undeveloped land. WHC intends to form a joint venture with Flyin Hawaiian Zipline LLC of Maui. The Project consists of several elements: A nature center of about 1,200 square feet located 700 feet from the terminus of Ka’ahale Street, and a zipline course as part of a guided forest canopy tour. The zipline would have 13 to 14 sending and receiving platforms for use on seven paired zipline runs, starting 1.2 miles mauka and ending 0.7 miles mauka of the end of Ka’ahale Street, in an area not visible or audible from residential neighborhoods. Participants will be picked up offsite, and no participants will be allowed to drive to the Property or park on Ka’ahale Street and walk to the site. At maximum, three vehicles will be making trips to and from the nature center per hour. The zipline will have a small footprint requiring minimal grading and grubbing on existing access roads/trails and at the platform supports, which all together occupy less than 0.1 acres. No archaeological or cultural sites will be affected. No rare, threatened or endangered species would be affected; native ecosystems being overrun by invasives will benefit from the type of management Flyin Hawaiian Zipline provides in Maui.

KAUA’I (HRS 343)

3. [Lydgate Park-Kapa’a Bike/Pedestrian Path, Phases C & D DEA \(AFNSI\)](#)

Island: Kaua’i
District: Kawaihau
TMK: 4-3-001, 002, and 007: various parcels
Permits: Special Management Area Use Permit
Proposing/ Determination
Agency: County of Kaua’i, Department of Public Works, 4444 Rice Street, Suite 275, Līhu’e, HI 96766.
Contact: Larry Dill, 808-241-4992.
Consultant: Kimura International, 1600 Kapi’olani Boulevard, Suite 1610, Honolulu, HI 96814.
Contact: Leslie Kurisaki, 808-944-8848.
Status: Statutory 30-day public review and comment period starts; comments are due by February 24, 2014.
Please send comments to the proposing agency and consultant.



The County of Kaua’i, Department of Public Works (DPW) proposes to construct a shared use path for pedestrians, bicyclists, and other users from Papaloa Road to Uhelekawawa Canal, a distance of approximately 1.2 miles. This project constitutes a portion of the pathway known as *Ke Ala Hele Makalae* that is expected to extend along the east side of Kaua’i from Nāwiliwili in the south to Anahola in the north.

The 1.2-mile path segment, referred to as Phases C and D, would close a gap between recently-constructed path segments to the north and south, increasing the overall connectivity of the existing path network. In 2007, the Kaua’i Department of Public Works (DPW) completed an environmental

assessment (EA) for a bike/pedestrian path from Lydgate Park to Kapa'a (Lihi Park) and made a finding of no significant impact. While most of the alignment was proposed on the makai side of Kūhiō Highway, a segment was proposed on the mauka side of the highway and along the Waipouli drainage canal. Subsequent to the 2007 EA, detailed design studies determined that this alignment would not be optimal for path users, because it would require users to cross Kūhiō Highway and the temporary bypass road. As such, the County reexamined alternatives for this section of the path. The most feasible option was a makai route which located the path within portions of the County's existing beach reserve.

This environmental assessment is being conducted to evaluate Phases C and D, sometimes called the Waipouli connection. The path will be 10 to 12 feet wide and allow movement in both directions. It is intended to accommodate a variety of users; however, motorized vehicles will not be allowed with the exception of motorized wheelchairs, emergency vehicles, and maintenance vehicles. The path will be constructed from concrete with graded shoulders. Specific design elements will be established during the design phase. In some areas, the path may be designed with other materials appropriate to the specific site. In areas where existing development precludes a full 10-foot wide path, other options such as an improved sidewalk or sidepath may be considered.

The proposed improvements include upgrading the existing County-owned parking lot (located behind Kaua'i Missionary Church) and a new comfort station. These facilities will serve as a trailhead for the path. Other design elements will include grading, retaining walls, railing or fencing, landscaping, signage, and user amenities, such as benches, water fountains, and trash receptacles.

As part of the larger *Ke Ala Hele Makalae*, Phases C & D will ensure lateral coastal access for the public and appropriate recreational development within the beach reserve. It will enhance access for resort uses, and provide convenient access for people who wish to fish or gather along the coastline. For the large community of walkers, joggers, runners, and bicyclists, the path will provide an opportunity for fitness and physical exercise, and enjoyment of the outdoors.

The County of Kaua'i will construct, own, and operate the facility. The project will be funded, in part, by the U.S. Department of Transportation, Federal Highway Administration (FHWA).

COASTAL ZONE MANAGEMENT NOTICES

Special Management Area (SMA) Minor Permits

The SMA Minor permits below have been approved (HRS 205A-30). For more information, contact the County/State Planning Department. Honolulu (768-8014); Hawai'i (East HI 961-8288, West HI 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaeloa Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: Puna (1-4-003: 038)	Construction of Composting Toilet Restroom Facility (SMM 13-293)	Kamehameha Schools
Maui: Haiku (2-7-004: 046)	Secure Office of Tire and Axle (SM2 20130146)	Scott & Rhonda Sanchez
Maui: Lahaina (4-4-014: 006)	North Lanai Improvements (SM2 20140001)	Duke's Maui, LLC
O'ahu: Waiiau (9-7-018: 012 and 9-8-3: 001)	Waiiau Power Plant Paving Plan (2013/SMA-40)	Hawaiian Electric Company / Planning Solutions, Inc.



SHORELINE NOTICES

Shoreline Certification Applications

The shoreline certification applications above are available for review at the DLNR Offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS 205A-42 and HAR 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1568	1/10/14	Lot 339 Land Court Application 616 situate at Kailua, Ko'olaupoko, O'ahu Address: 1528 Mokulua Drive Purpose: Building permit	Walter P. Thompson, Inc./ Global Spring Management Hawaii LLC	4-3-003:065
OA-1569	1/10/14	Lot 11 Land Court Application 1100 situate at He'eia, Ko'olaupoko, O'ahu Address: 46-013 Lilipuna Road Purpose: Building permit	Walter P. Thompson, Inc./ Fred Bailey	4-6-001:014
MA-567	1/10/14	Kahului Beach Road (F.A.S.P. S-0340 (1)) situate at Kahului, Wailuku, Maui Address: Kahului Beach Road Purpose: Coastal erosion study	Park Engineering/ State of Hawaii, Department of Transportation	3-7-001 & 002
MA-568	1/13/14	Portion of Land Commission Award 11216, Apana 21 to M. Kekauonohi being also all of Lot 53 of Makena Beach Lots situate at Palauea, Honuaua, Makawao, Maui Address: 4492 Makena Road Purpose: Planning for future use of parcel	Warren S. Unemori Engineering, Inc./ Leone- Perkins Family Trust	2-1-011:015
MA-569	1/13/14	Kahului Wastewater Reclamation Facility Lot being a portion of Grant 3343 to Claus Spreckels situate at Kahului, Wailuku, Maui Address: Amala Place Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ County of Maui	3-8-001:188
HA-479	1/9/14	Block 1, Lot 42 of Miloli'i Bach Lots Subdivision being a portion of Grant No. 3723 to J.M. Monsarrat situate at Papa 2 nd , South Kona, Island of Hawai'i Address: Kai Avenue Purpose: Build a residential home	Daniel J. & Melinda L. Mancini/ Daniel J. & Melinda L. Mancini	8-8-006:020
KA-384	1/13/14	Lot 9 Wainiha Hui Land R.P. 7194 L.C. Aw. 11216 Ap. 5 to M. Kekauonohi situate at Wainiha, Halelea, Kaua'i Address: 7292 Alamo'o Road Purpose: Building permit	Honua Engineering, Inc./ Nat Goldhaber	5-8-008:046



Bellows Sunrise, O'ahu

G Hilliard Photo

Shoreline Certifications and Rejections

The shoreline notices below have been proposed for certification or rejection by DLNR (HRS 205A-42 and HAR 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resource, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
OA-1554	Proposed Shoreline Certification	Lot 1 Kawaihoa Beach Lots Section "E" situate at Kawaihoa, Waiialua, O'ahu Address: 61-695 Kamehameha Highway Purpose: Obtain building permit	Wesley T. Tengan/ James Fong	6-1-004:057
MA-553	Proposed Shoreline Certification	Portion of Land Commission Award 11216, Apana 21 to M. Kekauonohi being also all of lots 51 and 52 of Makena Beach Lots situate at Palauea, Honua'ula, Makawao, Maui Address: Makena Road Purpose: Planning for future use of parcels	Warren S. Unemori Engineering, Inc./ Larson Family Trust	2-1-011:016 & 017
OA-1533	Rejection	Lot 126 of Map 46 Land Court Application 772 situate at Lā'ie, Ko'olauloa, O'ahu Address: 55-273 Kamehameha Highway Purpose: Slope stabilization and building setback line	Gil P. Bumanglag/ Richard James & Susan Walker Kowen	5-5-002:019
HA-466	Rejection	Keauhou Beach Resort being Area 13-A and Area 13-B as shown on B.P. Bishop Estate Map No. 7585A situate at Kahalu'u, North Kona, Island of Hawai'i Address: 78-6740 Ali'i Drive Purpose: Permitting purposes	Towill, Shigeoka & Associates, Inc./ Kamehameha Schools	7-8-013:002, 013 & 043

CONSERVATION DISTRICT USE APPLICATION

Persons interested in commenting on the following Conservation District Use Application or interested in receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in the Environmental Notice. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, PO Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Land's staff listed for each project.

PROJECT:

File No: CDUA OA-3694
Name of Applicant: Earl D. Pfeiffer Trust
Location: Pālolo Valley, Wai'ōma'o, O'ahu
TMK: (1) 3-4-015:027
Proposed Action: Public Purpose Subdivision
343, HRS determination: Exempt
Applicant's Contact: Philip Leas of Cades Schutte LLP, 808-521-9328
OCCL Staff Contact: Tiger Mills, 808-587-0382

FEDERAL NOTICES

1. [Monsanto Applied to Amend Pesticide Experimental Use Permit; EPA is Requesting Comments on this Application](#) – January 13, 2014

The EPA received an application from Monsanto Company requesting to amend 524-EUP-104 experimental use permit (EUP) for the plant-incorporated protectants (PIPs) corn event MON 87411 in combination with single and combined traits against lepidoptera and corn rootworm (CRW). The Agency has determined that the amendment request for the permit may be of regional and national significance. Therefore, because of the potential significance, and pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and is seeking comments on this application.

Comments must be received on or before **February 12, 2014**.

Submit your comments, identified by docket identification (ID) number and the EUP File Symbol as shown in the body of this document, by one of the following methods: Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Mail: OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW. Washington, DC 20460-0001.

2. [Notice of Intent to Prepare an EIS for the Construction and Operation of a Biofuel-Capable Power Generation Plant at Schofield Barracks, Oahu](#) - January 17, 2014

The Department of the Army notifies interested parties of its intent to prepare a Joint Environmental Impact Statement (EIS) for the proposed lease of Army land at Schofield Barracks to the Hawaiian Electric Company for the construction and operation on that land of a 50-megawatt (MW) biofuel-capable power generation plant. This EIS is designed to meet the requirements of both the National Environmental Policy Act (NEPA) and the Hawaii Environmental Policy Act (HEPA) as a matter of efficiency and cooperation with the State's decision-making process. The decision makers, the Department of the Army and the Hawaii Department of Land and Natural Resources, will use the analysis in the EIS to determine potential effects of implementing the proposed action and alternatives. The Army also intends to integrate this NEPA process with the consultation and public participation requirements of Section 106 of the National Historic Preservation Act.

The Army's proposed action, referred to as the Schofield Generating Station Project (SGSP), is a lease of 10.3 acres of land and a related 2.5 acre interconnection easement on Schofield Barracks to Hawaiian Electric, as well as Hawaiian Electric's construction, ownership, operation, and maintenance of a 50 MW biofuel-capable power generation plant and 46-kilovolt subtransmission line.

The SGSP would be a source of renewable power that would provide an energy security service to Schofield Barracks, Wheeler Army Airfield, and Field Station Kunia if loss of service occurs from the normal sources of electricity supporting these installations. Any electricity produced from renewable biofuels would also help achieve the Army goals of producing renewable energy on Army-owned real property.

The [Schofield Generating Station Project](#) EISPN was published under HEPA in the Environmental Notice on January 8th 2013. The HEPA statutory comment period ends on **February 7, 2014**. Written comments on the scope of the EIS or a request to be added to the EIS distribution list may be submitted as follows: Email to sgspcomments@tetrattech.com; Facsimile (fax) to 703-385-6007 (Attention: SGSP EIS); U.S. mail to Melissa DeSantis, Tetra Tech, Inc. (Attention: SGSP EIS, 10306 Eaton Place, Suite 340, Fairfax VA 22030).

CONTACT: For more information on the Army's proposed action, please contact Mr. Doug Waters, Army Energy Initiatives Task Force. Mr. Waters can be reached by phone at 703-601-0511, Monday through Friday from 8:00 a.m. to 5:00 p.m. eastern, or by email at douglas.s.waters.civ@mail.mil. For general information about the Army NEPA process, please contact the Public Affairs Office of the Army Environmental Command at 210-466-1590 or 1-855-846-3940 (toll free), or by email at usarmy.jbsa.aex.mbx@mail.mil

3. [Commercial Lobster Harvest in the Northwestern Hawaiian Islands is set at Zero Lobsters](#) - January 14, 2014

Hawaii Crustacean Fisheries; 2014 Northwestern Hawaiian Islands Lobster Harvest Guideline. The Northwestern Hawaiian Islands (NWHI) commercial lobster fishery is managed under the Fishery Ecosystem Plan for the Hawaiian Archipelago. The regulations at Sec. 665.252(b) require NMFS to publish an annual harvest guideline for lobster Permit Area 1, comprised of Federal waters around the NWHI. Regulations governing the Papahānaumokuākea Marine National Monument in the NWHI prohibit the unpermitted removal of monument resources (Sec. 404.7), and establish a zero annual harvest guideline for lobsters (Sec. 404.10(a)). Accordingly, NMFS establishes the harvest guideline for the NWHI commercial lobster fishery for calendar year 2014 at zero lobsters. Thus, no harvest of NWHI lobster resources is allowed.

CONTACT: Jarad Makaiau, NMFS Pacific Islands Region, 808-944-2108.

4. [Permit Issued to Sea Life Park Hawaii to Maintain Non-Releasable Hawaiian Monk Seals in Captivity](#) – January 10, 2014

Permit No. 17429-00 authorizes Sea Life Park Hawaii to continue to maintain and provide routine animal husbandry and veterinary care for one non-releasable adult Hawaiian monk seal and up to an additional three seals (four total, considering future non-releasable seals) at the monk seal exhibit at Sea Life Park Hawaii. Sea Life Park will maintain in permanent captivity seals removed from the wild under separate permits for stranding response and enhancement and are deemed non-releasable to the wild. The animals will be made available for scientific studies by researchers whose research protocols are approved by the Sea Life Park Hawaii Curator and staff veterinarian and authorized under separate permits. A public conservation and education lecture will be conducted daily concerning the status of Hawaiian monk seals, and educational descriptive signs with current information are on display at the monk seal exhibit. The permit expires November 30, 2018.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written, telefaxed, or email comments must be received on or before **February 10, 2014**.

The permit and related documents are available for review upon written request or by appointment in the following office: Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Room 1110, Honolulu, HI 96814-4700; phone (808) 944-2200; fax (808) 973-2941. CONTACT: Amy Sloan or Jennifer Skidmore, (301) 427-8401.

5. [Western Pacific Pelagic Fisheries; U.S. Territorial Catch and Fishing Effort Limits](#) – January 8, 2014

NMFS seeks public comment on two proposed actions. First, NMFS proposes to establish a management framework for specifying catch and fishing effort limits and accountability measures for pelagic fisheries in the U.S. Pacific territories (American Samoa, Guam, and the Northern Mariana Islands). The framework would authorize the government of each territory to allocate a portion of its catch or fishing effort limit to a U.S. fishing vessel or vessels through a specified fishing agreement, and establish the criteria that an agreement would need to satisfy. The proposed framework also includes accountability measures for adhering to catch and fishing effort limits to ensure sustainability. Second, NMFS proposes an annual limit of 2,000 metric tons (mt) of longline-caught bigeye tuna for each territory, using the framework described in the proposed rule. NMFS would allow a territory to allocate up to 1,000 mt of the 2,000 mt each year to a U.S. longline fishing vessel or vessels in a specified fishing agreement that meets the established criteria. NMFS would monitor, attribute, and restrict catches of longline-caught bigeye tuna, including catches made under a specified fishing agreement, using the procedures and accountability measures described in the proposed rule. The longline bigeye tuna catch limit specifications would be effective in 2014. NMFS also proposes to make technical administrative changes to certain international fisheries requirements under the Western and Central Pacific Fisheries Convention Implementation Act, to make them consistent with this proposed rule. NMFS intends the proposed rule and specifications to implement Section 113 of the Consolidated and Further Continuing Appropriation Act of 2012, consistent with the Magnuson-Stevens Fishery Conservation and Management Act. In order to be considered, NMFS must receive any comments on the proposed rule and proposed specifications by **February 24, 2014**.

You may submit comments on the proposed rule and proposed specifications, identified by NOAA-NMFS-2012-0178, by either of the following methods: Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2012-0178.

Mail: Send written comments to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700.

6. [The Pacific Whale Foundation Application to Amend Scientific Research Permit](#) – January 10, 2014

Permit No. 16479, issued on September 18, 2012 (77 FR 59594), authorizes the permit holder to conduct vessel-based research on humpback whales in waters around Maui, Hawaii to quantify the potential for near misses between vessels and humpback whales (*Megaptera novaeangliae*), and define the probability of 'surprise encounters' with humpback whales. Up to 567 humpback whales may be approached annually for photo-identification and behavioral observation and up to 240 Hawaiian insular false killer whales (*Pseudorca crassidens*) may be incidentally harassed during research. A minor amendment (No. 01) to the permit was issued on August 23, 2013, authorizing the field season to start in December versus January of each permit year. The Permit Holder is requesting the permit be amended to authorize research activities (approaches for photo-identification and behavioral observation) on the false killer whales to study their occurrence, distribution, movement, site fidelity, abundance, social organization, home ranges, and life history. The number of takes authorized for the stock would not change. The permit expires on June 1, 2017.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), an initial determination has been made that the activities proposed are consistent with the Proposed Action Alternative in the Environmental Assessment (EA) on Effects of Issuing Marine Mammal Scientific Research Permit No. 16479 (NMFS 2012). Based on the analyses in the EA, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on September 17, 2012. That EA and FONSI are available upon request. A new FONSI will be prepared for this action. Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Comments must be received on or before **February 10, 2014**.

The application and related documents are available for review by selecting "Records Open for Public Comment" from the Features box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 16479 from the list of available applications. These documents are also available upon written request or by appointment in the following office: Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814-4700; phone (808) 944-2200; fax (808) 973-2941. Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. in the subject line of the email comment. CONTACT: Amy Hapeman or Kristy Beard, (301) 427-8401.

7. [Comments Requested Regarding Vessel Monitoring System Requirements in Western Pacific Fisheries](#) – January 16, 2014

This request is for extension of a currently approved information collection. As part of fishery management plans developed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, owners of commercial fishing vessels in the Hawaii pelagic longline fishery, American Samoa pelagic longline fishery (only vessels longer than 50 feet), Northwestern Hawaiian Islands lobster fishery (currently inactive), and Northern Mariana Islands bottomfish fishery (only vessels longer than 40 feet) must allow the National Oceanic and Atmospheric Administration (NOAA) to install vessel monitoring system (VMS) units on their vessels when directed to do so by NOAA enforcement personnel. VMS units automatically send periodic reports on the position of the vessel. NOAA uses the reports to monitor the vessel's location and activities, primarily to enforce regulated fishing areas. NOAA pays for the units and messaging. There is no public burden for the automatic messaging; however, VMS installation and annual maintenance are considered public burden.

The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

Written comments must be submitted on or before **March 17, 2014**.

Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at JJessup@doc.gov). Requests for additional information or copies of the information collection instrument and instructions should be directed to Walter Ikehara, (808) 944-2275 or Walter.Ikehara@noaa.gov.

GLOSSARY

Agency Actions

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

Applicant Actions

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(c\)](#), for Applicant actions. For actions for which the agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin

Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments on a DEA received during the review and prepare a Final EA (FEA) to determine whether an environmental impact statement shall be required. The FEA must respond to all public comments. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement will not be required and the project may then be implemented. The public has 30 days from the notice of a FONSI in this bulletin to ask a court to require the preparation of an EIS.

Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

Act 172-2012, Environmental Impact Statement Preparation Notice (with no EA)

Act 172-2012, amended HRS 343, by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit is

determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public to request for a period of thirty-days, to be consulted parties in the preparation of the Draft EIS. Comments and responses must be incorporated into the subsequent Draft EIS.

Draft Environmental Impact Statement

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The [content requirements](#) of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigative measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPN comment period in a point-by-point manner.

Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a [Final EIS](#) (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. See here for [style](#) concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

Acceptability

If the FEIS is [accepted](#), notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a nonacceptance determination.

National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare an EA or EIS. In many ways it is similar to Hawaii's law. Some projects require both a State and Federal EIS and the public comment procedure should be [coordinated](#). OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

Conservation District

Any use of land in the State Conservation District requires a Conservation District Use Application

(CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. Notice of permit applications are published in this bulletin.

Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

Shoreline Certifications

State law requires that Hawai'i shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

Environmental Council

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). [Agendas](#) of their regular meetings are posted on the Internet and the public is invited to attend.

Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are [exempt](#) from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence ([HAR 11-200-8\(d\)](#)). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

Endangered Species

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for Habitat Conservation Plans (HCP), Safe Harbor Agreements (SHA), or Incidental Take Licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).